

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

May 20, 1997

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matter of fact, by statute, in any subsequent proceedings. So that the licensee would be able to utilize a favorable finding in defense of any subsequent charge and would have competent, expert testimony available as a matter of right and fact in defense, if there were a criminal prosecution. Obviously, it can't take prosecutorial discretion, but it does erect, I think, a favorable environment for the initial determination by knowledgeable peers of the licensee.

SENATOR MAURSTAD: Senator Brashear, there was another issue that was brought up, and maybe you could take a moment additional of my time, dealing with whether that evidence findings would be rebuttable or nonrebuttable. Could you make...provide some information for us that don't understand those two terms as to if there is significance one way or the other, and it's clear as to how this amendment addresses it?

SENATOR BRASHEAR: Well, there is no specification as to whether it is rebuttable or irrebuttable, but the fact is when it says that the findings shall be admissible in a criminal proceeding brought pursuant to this section, then a favorable finding, in favor of the licensee, would be admissible, and it would be used, in the scheme of things, it would be used to rebut the prosecution. It would be the competent medical and expert evidence in defense of the charge being brought by the prosecutor.

SENATOR MAURSTAD: Thank you, Senator Brashear. I know that I appreciate that additional information. I hope that the body...that my colleagues do also. With that, I will relinquish the balance of my time, but, before I do, once again indicate my support, of course, for the amendment and hope that my colleagues would vote to adopt it.

PRESIDENT ROBAK: Thank you, Senator Maurstad. Senator Chambers.

SENATOR CHAMBERS: Madam President, as with many complex legal questions, people trained in the law will arrive at different conclusions. This is a part of a criminal prosecution scheme. The law must be strictly construed. Since this is being incorporated into the criminal prosecutorial scheme, by making